IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 12347 of 2004(T)

PETITIONER:

ANITHA G., W/O. LATE G.SUDHAKARAN,
SAKKI, P.O.YEROOR, ANCHAL, DISTRICT KOLLAM,
KERALA.

BY ADV. SRI.M.RAJAGOPALAN
SRI.RAJIT

RESPONDENTS:
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1. AIR OFFICER IN COMMAND, AIR FORCE
RECORDS AIR FORCE RECORD OFFICE,
SUBRATO PARK, NEW DELHI-10.

2. CONTROLLER OF DEFENCE ACCOUNTS
(PENSION) ALLAHABAD.

3. UNION OF INDIA REPRESENTED BY THE
SECRETARY, MINISTRY OF DEFENCE, NEW DELHI.

BY ADV. SRI. P.PARAMESWARAN NAIR, ASST. S.G.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 12347/2004 T

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE CERTIFICATE DT. 14/09/99.

EXT.P2. COPY OF THE CERTIFICATE DT. 29/06/00.

EXT.P3. COPY OF THE CERTIFICATE NO. KR.KC./2621/G1/PENSION CELL 1(6)'00 DT. 7TH JUNE, 2000.

EXT.P4. COPY OF THE LETTER NO. 2703/276149/9460/HD/P&WW(FP) DT. 24/1/2001.

EXT.P5. COPY OF THE LETTER NO. RO/2853/276149/9460/HD/P&WW (FP DT. 10/07/03.

EXT.P6. COPY OF THE REMINDER DT. 10/12/2003.

EXT.P7. COPY OF THE LETTER DATED 13/1/2004 OF THE R1.

EXT.P8. COPY OF THE ORDER OF HONOURABLE SUPREME COURT IN CIVIL APPEAL NO. 1034/99.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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KURIAN JOSEPH J.

Writ Petition (Civil) No.12347 of 2004

Dated 26th November, 2007.

J U D G M E N T

Petitioner approached this court aggrieved by Ext.P7 communication from the first respondent to the effect that the petitioner is not entitled not get family pension, in view of the alleged pension from the Provident Fund. The issue is covered in favour of the petitioner by Ext.P8 order of the Supreme Court. The judgment dealing with the issue in full text is reported in **Union of India v. Visalakshy** [1998(2) KLT 797 (DB)], wherein it has been clarified that what is received from the Provident Fund is not the pension, but the benefits flowing out of the contribution already made. There is also a direction in the said judgment to grant pension with 10% interest. I quash Ext.P7. There will be a direction to the first respondent to disburse the pension due to the legal heirs of the petitioner (It is submitted that the petitioner passed away recently) with 10% interest, within one month from the date of production of a copy of the judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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